

06-28-01

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Patent  
Attorney Docket: 264/027

06/26/01



To: Commissioner for Patents  
Box Patent Application  
Washington, D.C. 20231



# NEW APPLICATION TRANSMITTAL - UTILITY

Sir:

Transmitted herewith for filing is a **utility** patent application:

**Inventor(s):** Hassan Mostafavi

**Title:** METHOD AND SYSTEM FOR PREDICTIVE PHYSIOLOGICAL GATING

## I. PAPERS ENCLOSED HEREWITH FOR FILING UNDER 37 CFR § 1.53(b):

- 59 Page(s) of Written Description  
15 Page(s) Claims  
1 Page(s) Abstract  
27 Sheets of Drawings ☒ Informal ☐ Formal

## II. ADDITIONAL PAPERS ENCLOSED IN CONNECTION WITH THIS FILING:

- ☒ Declaration  
☒ Power of Attorney ☒ Separate ☐ Combined with Declaration  
☒ Assignment to Varian Medical Systems, Inc. and assignment cover sheet  
☐ Certified Copy of Priority Document No(s):  
☐ Information Disclosure Statement w/PTO 1449 ☐ Copy of Citations  
☐ Preliminary Amendment  
☒ Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i). Applicant must attach form PTO/SB/35  
☒ Return Postcard  
☐ Other:

## CERTIFICATE OF MAILING (37 C.F.R. §1.10)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as 'Express Mail Post Office To Addressee' in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

EL846342958US  
Express Mail Label No.

June 26, 2001  
Date of Deposit

Cindy McMorrow

Name of Person Mailing Paper

*Cindy McMorrow*  
Signature of Person Mailing Paper

III. PRIORITY

- ☒ Priority under 35 U.S.C. § 120 is claimed for application Serial Nos. 09/178,383 filed on 10/23/98, 09/178,385, filed on 10/23/98, 09/712,724 filed on 11/14/00, which is a continuation of Serial No. 09/178,384 filed on 10/23/98.

IV. THE FILING FEE HAS BEEN CALCULATED AS SHOWN BELOW:

- ☐ Applicant claims small entity status pursuant to 37 CFR § 1.27

<b>BASIC FILING FEE:</b>							\$710.00
Total Claims	79	-	20	=	59	x \$18.00	\$1,062.00
Independent Claims	12	-	3	=	9	x \$80.00	\$720.00
Multiple Dependent Claims	\$270	(if applicable)				<input type="checkbox"/>	\$0.00
<b>TOTAL OF ABOVE CALCULATIONS</b>							\$2,492.00
Reduction by ½ for Filing by Small Entity, if applicable, as asserted above. Note 37 CFR §§ 1.9, 1.27, 1.28.							<input type="checkbox"/> \$0.00
Misc. Filing Fees (Recordation of Assignment -- \$40)							\$40.00
<b>TOTAL FEES DUE HERewith</b>							\$2,532.00

V. METHOD OF PAYMENT OF FEES

- ☐ A check in the amount of \_\_\_\_.
- ☒ Charge Lyon & Lyon's Deposit Account No. **12-2475** in the amount of \$2,532.00.
- ☐ This application is being filed without fee or Declaration under 37 CFR § 1.53.

VI. AUTHORIZATION TO CHARGE FEES

The Commissioner is authorized to credit any overpayment and to charge any underpayment to Lyon & Lyon's Deposit Account No. **12-2475** for the following:

- ☒ 37 CFR § 1.16 – (Filing fees and excess claims fees)
- ☒ 37 CFR § 1.17 – (Any application processing fees)
- ☒ 37 CFR § 1.21 – (Assignment recording fees)

**VII. CORRESPONDENCE ADDRESS**

Please send all correspondence to Customer Number 22249:



**22249**

PATENT TRADEMARK OFFICE

LYON & LYON LLP  
Suite 4700  
633 W. Fifth Street  
Los Angeles, CA 90071  
(408) 993-1555

Please direct all inquiries to Peter C. Mei, at the above customer number.

Respectfully submitted,

LYON & LYON LLP

Dated: \_\_\_\_\_

6/26/01

By: \_\_\_\_\_



Peter C. Mei  
Reg. No. 39,768

PTO/SB/35 (11-00)

Approved for use through 10/31/2002. OMB 0651-0031  
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE  
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>REQUEST AND CERTIFICATION UNDER 35 U.S.C. 122(b)(2)(B)(i)</b>	First Named Inventor	Hassan Mostafavi
	Title	METHOD AND SYSTEM FOR PREDICTIVE PHYSIOLOGICAL GATING
	Atty Docket Number	264/027

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

06/26/2001

Date



Signature

Peter C. Mei

Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**